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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LINDA P. SMITH,

Plaintiff

v.

XAVIER BECERRA, in his capacity
as the Secretary of the United States
Department of Health and Human
Services,

Defendant

Case No. 1:21-cv-00047-HCN-DBP

OBJECTION TO
ADMINISTRATIVE RECORD

JURY TRIAL DEMANDED

Judge Howard Nielson, Jr.
Magistrate Judge Dustin B. Pead

Out of an abundance of caution, Plaintiff Linda Smith files this objection to the administrative record served (but not filed) on June 25, 2021. As served, Volume 4 (pages 6777-10264) comprises a single PDF file, which is apparently corrupted and inaccessible. In addition, there is no Volume 5 (pages 10265-10337). Thus, Plaintiff is unable to determine whether the record is accurate and complete. Plaintiff will endeavor to resolve this discrepancy with the Secretary.

Plaintiff notes that the relevant statute (42 U.S.C. § 405(g)) required the Secretary to “file a certified copy of the transcript of the record” with the “Answer” served on June 7, 2021. Because any decision of this Court must be based on the filed, certified record, Plaintiff believes that the statute should be complied with without further delay so that the related briefing is also not delayed.

Dated: June 28, 2021

Respectfully submitted,

PARRISH LAW OFFICES

/s/ James C. Pistorino

James C. Pistorino

Attorneys for Plaintiffs